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Docket No. USF-T176X
Serial No. 09/744,875Remarks

Claims 1, 8-13, 16, 19, 20, 22-30, 32-35, 37-39, 41-48, and 50-77 are pending in the subject application. Applicants gratefully acknowledge the Examiner's indication that claims 8-13, 20, 27, 28, 64, and 65 are free of the prior art and allowed (Applicants assume that claims 37-39 are also allowed as the claims were not rejected in the previous Office Action). By this Amendment, Applicants have canceled method claims 1, 16, 19, 21, 30, 32-35, 41-48, 50-63, and 66-77. Applicants respectfully submit that the amendments to the claims and the remarks presented herein place the subject application in condition for allowance. Entry and consideration of the amendments presented herein is respectfully requested. Accordingly, claims 8-13, 20, 22-29, 37-39, 64, and 65 are currently before the Examiner. Favorable consideration of the pending claims is respectfully requested.

The Examiner indicated in the Advisory Action dated April 27, 2005 that the amendments of April 14, 2005 would, if entered, overcome the rejections of record and render the claims examined in the previous Office Action allowable, but would also cause rejoinder of the withdrawn methods claims. The Examiner further indicated that rejoinder of the method claims would result in "new consideration such as enablement, under 35 USC 112, first paragraph, of the claims drawn to methods of nucleic acid based therapy." As noted above, Applicants have now canceled all of the method claims. Thus, only composition of matter claims remain in the subject application and Applicants hereby withdraw their request for rejoinder of the method claims.

Claim 21 was objected to under 37 CFR 1.75(c) as being of improper dependent form for failing to further limit the subject matter of a previous claim. By this Amendment, Applicants have canceled claim 21. Thus, this objection is moot. Accordingly, reconsideration and withdrawal of the objection is respectfully requested.

Claims 22-26 and 29 were rejected under 35 USC §112, second paragraph, as indefinite on the grounds there is insufficient antecedent basis for the term "said transcription factor" and "said cell" in the claims. By this Amendment, the preamble of claim 20 has been amended to read "An agent for inhibiting a transcription factor in a cell . . .," thereby providing antecedent basis for the terms in the dependent claims. Applicants respectfully assert that entry and consideration of the amendment to the claim will not require further search or undue examination on the part of the

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Examiner. Accordingly, entry of the amendment, and reconsideration and withdrawal of the rejection under 35 USC §112, second paragraph, is respectfully requested.

It should be understood that the amendments presented herein have been made solely to expedite prosecution of the subject application to completion and should not be construed as an indication of Applicants' agreement with or acquiescence in the Examiner's position.

In view of the foregoing remarks and amendments to the claims, Applicants believe that the currently pending claims are in condition for allowance, and such action is respectfully requested.

The Commissioner is hereby authorized to charge any fees under 37 CFR §§1.16 or 1.17 as required by this paper to Deposit Account No. 19-0065.

Applicants invite the Examiner to call the undersigned if clarification is needed on any of this response, or if the Examiner believes a telephonic interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,



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